IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 27813 of 2007(J)

PETITIONER:

P.R. RAJENDRAN NAIR,
S/O. LATE RAMAKURUPU, EDATHIPUTHEN VEEDU,
KARADU P.O., VIA. VANIYAMBALAM, WANDOOR,
MALAPPURAM DISTRICT.

BY ADV. SRI. HARISH R. MENON
SRI. K.T. SHYAMKUMAR

RESPONDENTS:
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1. **THE CHAIRMAN,**
   NILAMBUR TALUK LAND BOARD, REVENUE DIVISIONAL OFFICE, PERINTHALMANNA, MALAPPURAM DISTRICT.

2. **THE TAHSILDAR,**
   TALUK OFFICE, NILAMBUR, MALAPPURAM DISTRICT.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

WP(C) No. 27813 of 2007

Dated, this the 8th day of October, 2007

J U D G M E N T

The petitioner acquired some property on the strength of Ext.P2 title deed and according to him, as of now, he holds 27⅛ cents of land in respect of which, when he offered to pay basic tax, it was refused by the 2nd respondent. The petitioner submitted Ext.P3 representation before the 2nd respondent and that was replied vide Ext.P4 informing the petitioner that the tax cannot be accepted till the disposal of Land Board case. Thereupon, the petitioner filed Ext.P5 representation before the 1st respondent and there was no action since then. In view of this, this writ petition has been filed for a direction to the respondents to accept basic tax in respect of the property in RS. No. 443/2A of Amarambalam Village in Malappuram District. As per the directions of this Court a statement has been filed on behalf of the respondents, which is to the effect :

> "The application is received and numbered as B7-3439/01. Subsequently an enquiry was conducted through the Village Officer, Amarambalam and it is revealed that the above property is a part of ceiling land and the Taluk Land Board, Eranadu

> decided to take over the property as per Order No. CR 372/73/C7 dated 31/11/1981. On perusal of the records kept in the Office of the Tahsildar (File No. G4-2706/82), by him, it is revealed that, it is a part of excess land and therefore on 03/07/2001 the application submitted by the petitioner was considered and was disposed of and the same was communicated to the petitioner. The petitioner has produced as Exhibit P4, which is the reply given to the petitioner. Therefore, the petitioner's request to accept basic tax in respect of the property extenting to 27⅛ cents situated in R.S.No.443/2A (new R.S.No. 30/17) cannot be considered.

2. Learned counsel for the writ petitioner submits that tax was being accepted in the past not only from the petitioner's predecessor's interest but also from him and if that be so, the alleged pendency of proceedings before the Taluk Land Board cannot be a reason for declaining to accept the same. I am not able to agree with the above submission of the learned counsel for the petitioner. As a matter of fact, since the land in question is involved in the proceedings before the Taluk Land Board, the respondents are justified in refusing to accept tax tendered by the petitioner.

In the circumstances, I am not in a position to issue directions sought for by the petitioner. This writ petition fails and is dismissed.

(ANTONY DOMINIC, JUDGE.)

jg